

## About The Commons

### The Case Study of Mondeggi

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**Abstract** Studies on commons management have attempted to outline alternatives to private property that are founded upon and shaped by the community they affect. The Mondeggi “farm without owners” case tells the story of a property of approximately 200 hectares in size. The property is now owned by a local public authority (Provincia di Firenze). By means of a committee-based governing model, the local community aims to promote inclusive management of the farm while creating jobs, fostering the spread of “farmers’ expertise”, and promoting biodiversity. This study considers the economic sustainability of this good management model as well as the legal mechanisms which clearly define an open community that does not exercise exclusive rights over the goods it manages. It also examines the crucial relationship between those who enjoy and manage a certain good and those who formally own it. This project represents an excellent case study for examining common goods as well as the opportunities offered and risks posed by open, inclusive horizontal good management approaches that bear in mind the financial needs of community members. As far as the relationship with public institutions is concerned, the “farm without owners” allows the management committee and local community to work hand in hand while pursuing common, sustainable goals.

**Summary** 1. Introduction. – 2. The Mondeggi Case. – 3. The Community. – 4. Good management: collective enjoyment and access. – 5. Economic sustainability. – 6. Conclusion.

## 1 Introduction

Research on the commons focuses – also – on how the community is defined, goods are managed, and the economic sustainability of these goods is guaranteed.

Bearing in mind the work of Elinor Ostrom<sup>1</sup>, some Italian legal theo-

This work is based on my speech at the 3<sup>rd</sup> IASC European Meeting, ‘From Generation to Generation’, 16-19 September 2014, Umeå, Sweden.

1 E. OSTM, *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge, 1990.

rists<sup>2</sup> have considered issues related to how the community is identified, how people are included in or excluded from this community, and whether this community can effectively 'care for' a given good.

The Mondeggi case serves as an interesting example for examining these issues. In particular, it provides an excellent backdrop for considering the relationships among the community members as well as the benefits they aim to derive from a specific good – in this case, the Mondeggi farm.

## 2 The Mondeggi Case

In 1964, *Provincia di Firenze* purchased the Mondeggi farm, a plot of land near Florence, with an extension of approximately 200 hectares that has always been used for agricultural purposes.

Due to a series of financial problems, the government-owned company responsible for managing the property ceased doing so, leaving the farm mainly unused since 2009.

The Italian *Genuino Clandestino* movement became interested in the management and utilization of the land as a common good in 2013. In collaboration with local communities and with students, farmers and activists, the movement's local committee, called *Terra Bene Comune*, mapped out several proposals for managing the farm. The committee also drafted a "Charter of Principles and Intentions"<sup>3</sup> which described its goals for and approaches to managing the property and the broader Mondeggi area.

Through an open, participative process, the "*Comitato verso Mondeggi Bene Comune*" was established. The Committee opposed privatization suggesting that the farm had to be run as a commons, a project which would create a significant number of jobs and promote the spread of "farming expertise," with a particular focus on biodiversity.

In order to raise awareness about the project, the Committee hosted numbers of initiatives at the Mondeggi farm, including a three-day campaign of discussions and debates in June 2014. Soon thereafter, some Committee members decided to start living on the property, reclaiming the land for the community and beginning to farm it again.

The public administration's view of the Committee is particularly complex. The Mondeggi farm is located in the municipality of Bagno a Ripoli,

2 P. GROSSI. *Un altro modo di possedere: l'emersione di forme alternative di proprietà alla coscienza giuridica postunitaria*, Milan, 1977; M. R. MARELLA, *Introduzione. Per un diritto dei beni comuni*, in M. R. MARELLA (editor) *Oltre il pubblico e il privato. Per un diritto dei beni comuni*, Verona, 2012; S. RODOTÀ, *Il terribile diritto. Studi sulla proprietà privata e i beni comuni*<sup>3</sup>, Bologna, 2013.

3 The full text of the charter is available (in Italian) at: <http://tbcfirenzemondeggi.no-blogs.org/carta-dei-principi-e-degli-intenti/>.

whose held a dialogue with the Committee and suggested that transferring the land to private ownership would be an option of last resort. However, *Provincia di Firenze* – the owner of the property – stated that it wished to transfer the land to private ownership. Consequently, the Provincia published invitations to tender for the sale of the land, but no bids were submitted and the land has remained public owned<sup>4</sup>.

### 3 The Community

The Mondeggi case presents a compelling study for considering key issues in research around the commons – namely, the community and the relationships between those who comprise and manage it.

The commons have been studied through the lens of various legal theories. In a first perspective<sup>5</sup> the commons are thought as including the entire human community, whereas in another<sup>6</sup> the commons are defined more narrowly, in terms of the more limited group of people who comes into direct relation with a specific “good”.

This second approach is particularly interesting, since it allows the community to actively manage a specific good. However, it also requires a precise definition of who these people are. Through the analysis of the Mondeggi case, we can try to shed some light on these issues.

First and foremost, the way in which the community is defined is closely tied to the benefits these parties hope to derive from a given good and therefore the way in which this good is or can be utilized.

In the Mondeggi case, the good is the land, and the organization of the community is influenced by the type of good that has to be managed. However, the relationships between how this group of people has been created and how the good can be used are not clear; in fact, they depend on the aims and approaches of the users. As Marella notes, the community is «based on pre-existing social links of solidarity or links which will be established depending on how the common good is enjoyed»<sup>7</sup>.

Defining this body is a complex theoretical issue, and of course, this process should not be addressed using an oversimplified or reductionist approach. That said, in this case it is clear that the specific characteristics

4 The last tender was published on 13 October 2014.

5 S. RODOTÀ, *Il terribile diritto. Studi sulla proprietà privata e i beni comuni*<sup>3</sup>, Bologna, 2013.

6 M. R. MARELLA, *Introduzione. Per un diritto dei beni comuni*, in M.R. MARELLA (editor). *Oltre il pubblico e il privato. Per un diritto dei beni comuni*. Verona, 2012; E. OSTRUM, *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge, 1990.

7 M. R. MARELLA, *Introduzione. Per un diritto dei beni comuni*, in M.R. MARELLA (editor). *Oltre il pubblico e il privato. Per un diritto dei beni comuni*. Verona, 2012, p. 21.

and goals related to this good – a farm that will be used to promote environmental sustainability – play a key role in shaping how it is managed. This can be seen both in the time-related management issues – farming is tied to the growing seasons – and in the place in which the group organizes itself and the management of the good.

It should be considered that there could be a risk that the community doesn't allow non-members to have access to the good. In the theory of the commons these communities are called 'gated communities'; this particular risk is well established in Italian legal theory, which reflects a long tradition of collective farming rights<sup>8</sup>. These rights, however, have often been – and still are – exclusively attributed to a strictly defined body. In this scenario, the Mondeggi experience is particularly interesting. There are two bodies that enjoy close ties with one another, yet were formed based on different criteria and are in constant dialogue with one another. In fact, the good is managed by two different assemblies – the *Assemblea di Fattoria*, comprised of those farming the land, and the *Assemblea Plenaria Territoriale*, which includes the local community, broadly defined to include all people who live and reside in the area surrounding the farm, and people who is interested in using the area. The Farm Assembly drafts proposals and makes decisions about how the good will be managed, whereas the Plenary Assembly can provide advice and suggest changes to these decisions. Close ties are therefore forged between the local community and the people who takes care about the area, two groups which sometimes – but not always – do overlap.

Consequently, the fact that there are different communities managing the area and the ways in which these groups interact with one another therefore serves to decrease the risk that those who are not part of the community might be excluded from enjoying this good.

#### 4 Good management: Collective enjoyment and access

As noted earlier, the *Comitato verso Mondeggi Bene Comune* began to farm part of the Mondeggi land in accordance with the principles set out in the "Charter of Principles and Intentions". The Charter stipulates that Mondeggi residents will engage in «family farming focused on food self-sufficiency using methods typically used on small farms» and will do so «alongside those who do not live at Mondeggi, but wish to work to-

<sup>8</sup> The rights to "usi civici" and collective ownership pertained to some areas of Italy, and to some extent, still do. For an introduction to this issue, see F. Marinelli, *Gli usi civici* (voce), in *Trattato di Diritto Civile e Commerciale*. Edited by A. Cicu, F. Messineo and L. Mengoni and continued by P. Schlesinger. Milan, 2013; and P. GROSSI, *Un altro modo di possedere: l'emersione di forme alternative di proprietà alla coscienza giuridica postunitaria*, Milan, 1977.

gether to gradually reduce their ecological footprint. All of these people shall make up the *Fattoria senza padroni* (Farm without owners)».

This confirms that this good shall be used to farm. The risks that a public owned good – considered commons – might be used for private purposes (albeit simply for food self-sufficiency) seem to be at least partially limited. In fact, the “Charter” notes that the Farm Assembly will «establish how the farm is run, using a system of rotating managers, and be responsible for determining how work is structured, resources are allocated and the land is farmed». Consequently though family units or individuals farm the land, it is managed through collective approaches.

Interestingly, also those who do not farm the land have the right to utilize it. The Charter «guarantees that the entire community shall be able to make use of the water, forests and historical trails»<sup>9</sup> in order to «progressively reclaim the site’s cultural values». It also states that a “farm school” will be established in order to ensure that «know-how and best practices are passed on for free»<sup>10</sup>.

Furthermore, part of the land should be earmarked for the community at large. Community orchards and gardens will be set up on these plots. In addition, a community nursery should be built to grow organic plants and raise farm animals.

The good is therefore managed by means of a tripartite structure: by the families and individuals who live in the land and farm it, by the people who tend part of the land without living in it, and by the plenary assembly which ensures that all those wishing to access the land and enjoy some of the benefits deriving from it will be able to do so at no cost whatsoever.

The way a person ‘cares for’ the good and the role he plays in managing and enjoying it is also of interest. In fact, the differences in the degree to which these three groups manage the good have an impact on the degree to which they enjoy it. This is partly reflected in how the assemblies are structured. Each assembly is based upon consensus, but one assembly is for those who farm the land, while the other is for those who benefit from it in other ways.

Although relationships between each person and the good may vary, it might still be possible to provide everyone with a right to access the good, as Stefano Rodotà has argued<sup>11</sup>. These rights would represent a shift away from property rights and toward rights to use the good, provided that efforts are also made to ensure its conservation.

9 “Carta dei Principi e degli Intenti”, §9.

10 “Carta dei Principi e degli Intenti”.

11 S. RODOTÀ, *Il terribile diritto, studi sulla proprietà privata e i beni comuni*<sup>3</sup>, Bologna, 2013.

## 5 Economic sustainability

The Mondeggi case also allows us to focus on economic sustainability, another important issue in research on the commons. In common goods theory, economic sustainability comes from good management that is primarily based on cooperation rather than profit. Furthermore sustainability has to derive from the fact that access to the good is based on inclusive principles rather than on *ius excludendi alios*, the right to exercise exclusive rights over property.

At Mondeggi, part of the food that is going to be produced, will be set aside for the families and individuals who have tended the land; food that is not consumed will be sold at a community-managed store on the property.

In comparison to other actual examples of commons management, in this case there is the possibility that the community in the future could be self-sufficient in terms of both food and finances. This will be examined in greater detail in future research; yet nevertheless seems to represent a relevant starting point for economic self-sufficiency in good management.

## 6 Conclusion

The Mondeggi case allows us to imagine good management situations where the good can provide sustenance to those who tend from it. It also provides an example where the community – defined in the broadest possible sense – is ensured access to the good.

Furthermore, the organizational approach adopted at Mondeggi seems to at least partially negate the risk that members of the community might attempt to exercise exclusive rights over this good, preventing free access for non-members.

Finally, although the Mondeggi model is still young, it nevertheless seems to represent an excellent case study for examining concrete commons management approaches and developing models of good management that eschew individual ownership.

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